



SDMS DocID 559377

RATH, YOUNG,
PIGNATELLI AND OYER, P.A.
TWO CAPITAL PLAZA
P. O. BOX 854
CONCORD, NEW HAMPSHIRE 03302-0854

THOMAS D. RATH
SHERILYN BURNETT YOUNG
MICHAEL A. PIGNATELLI
EVE H. OYER
PAUL BARBADORO
ANN MCLANE KUSTER
DAVID M. HOWE
WILLIAM F. J. ARDINGER
M. CURTIS WHITTAKER*
ANDREW W. SERELL
JAMES M. READEY
JANET V. LANIGAN
CARLA J. MEYERS

TELEPHONE:
(603) 226-2600

TELECOPIER:
(603) 226-2700

August 28, 1990

Superfund Records Center

SITE: Coakley

BREAK: 1.9

OTHER: 559377

* ADMITTED IN VA & DC ONLY

Cynthia E. Catri, Esquire
Assistant Regional Counsel
United States Environmental
Protection Agency
Region I
JFK Federal Building
Boston, Massachusetts 02203-2211

**Re: Coakley Landfill Matter
Waste Disposal Practices of
Davidson Instrument Panel Textron, Farmington, NH
Davidson Interior Trim Textron, Dover, NH**

Dear Attorney Catri:

We represent Davidson Instrument Panel Textron of Farmington, New Hampshire and Davidson Interior Trim Textron of Dover, New Hampshire (hereinafter "Davidson") with regard to the Notice to Potentially Responsible Parties (PRPs) dated February 2, 1990 relative to the Coakley Landfill in North Hampton, New Hampshire. At a meeting of PRPs in Boston on March 14, 1990, your predecessor, Tim Williamson, informed those present that the EPA was working under the assumption that any generator of hazardous waste that disposed of any waste at the Coakley Landfill would be considered potentially responsible for the contamination of the site. Mr. Williamson suggested that the EPA would review evidence provided by any PRP which showed that, contrary to that assumption, the PRP did not dispose of hazardous waste at the Coakley Landfill. I offer the enclosed documents and the following summary of Davidson's waste disposal practices in both Farmington and Dover as proof that Davidson did not dispose of hazardous waste at the Coakley Landfill.

I. DAVIDSON/FARMINGTON WASTE DISPOSAL PRACTICES

The Farmington Plant, which opened in February of 1966, produces armrests, dashboards and visors for automobiles. The Affidavit of James Mabey, Maintenance Supervisor at the Farmington

Plant from its opening in 1966 until 1976 and Facilities Supervisor from 1979 until his retirement in May, 1986, addresses the disposal practices at the Farmington Plant during the time frame of the operation of the Coakley Landfill (1971-1985). All waste generated as a result of the production processes was transported by Solomon Higgins to the Town of Farmington Landfill until 1974, when arrangements were made with Ernest Cardinal to transport and dispose of the waste at the Cardinal Landfill in Farmington, New Hampshire. Subsequently, Santos Trucking Company, Waste Management, Inc., and most recently B.F.I., transported the waste material to the Cardinal Landfill in Farmington, New Hampshire. Beginning in the fall of 1977, liquid and hazardous wastes were segregated from the waste stream and were transported and disposed of by Keefe Environmental Services ("KES"), of Epping, New Hampshire. In the sworn testimony of James Mabey, to the best of his knowledge and belief, the Coakley Landfill was never used for disposal of waste generated at the Farmington Plant during the period from its opening in 1966 until May 31, 1986 when he retired.

The Affidavit of Howard Greenlaw, Group Leader-Utilities at the Farmington Plant from February 1970 until September 1989, who was responsible for disposal of waste generated by the Farmington Plant, confirms that all waste generated by the Farmington Plant was hauled to the Cardinal Landfill in Farmington, New Hampshire, except that the cafeteria waste was hauled to the Town of Farmington Landfill and the liquid and hazardous wastes were segregated and were transported and disposed of first by Keefe Environmental Services, Inc., and then subsequently by licensed hazardous waste transporters at licensed hazardous waste disposal facilities. Mr. Greenlaw's sworn testimony confirms that to the best of his knowledge and belief, the Coakley Landfill was never used for the disposal of waste generated at the Farmington Plant.

The segregation of liquid and hazardous wastes from the waste stream can be verified by the enclosed documents which include monthly reports to the New Hampshire Bureau of Solid Waste Management generated by Paul Keefe or the staff of KES beginning in November 1977 and continuing through 1979, as well as KES ledger sheets covering a period from April 1978 through September 1979 and an invoice index which tracks waste disposal practices from November 23, 1977 through November 1980. In addition, KES generated handwritten inventories of the source of wastes received for the period covering 1978 to 1979. For the period following the closure of the KES facility, the enclosed hazardous waste manifests document shipments for the period from 1982 through 1985 by licensed hazardous waste transporters, including Price Trucking, SCA Chemical Services and Safety-Kleen, to licensed hazardous waste facilities, including SCA Chemical Services in Braintree, Massachusetts, SCA Model Cities in Model Cities, New York, and Safety-Kleen Corporation in Salisbury, Massachusetts.

In concluding, the enclosed Affidavits and documents confirm that the Coakley Landfill was never used for the disposal of waste generated by the Farmington Plant, and furthermore, that beginning in the fall of 1977, liquid and hazardous wastes were segregated from the waste stream and were transported and disposed of by licensed hazardous waste transporters at licensed hazardous waste facilities.

II. DAVIDSON/DOVER WASTE DISPOSAL PRACTICES

The Dover Plant, located in the Dover Industrial Park, manufactures urethane components used in seat cushions for automobiles and boats. The Affidavit of Frank Pierce, Supervisor of Urethane Compounding from 1967 to 1979, Supervisor of Urethane and Paint Compounding from 1979 to 1984, and Supervisor of Material Compounding from 1984 to the present, addresses the disposal practices at the Dover Plant during the time frame of the operation of the Coakley Landfill (1971-1985). All waste generated as a result of the production processes was transported by Mr. Leonard Rosen to the Dover Municipal Landfill on Tolend Road in Dover, New Hampshire until its closure on January 1, 1979, except that beginning in the fall of 1977, liquid and hazardous wastes were segregated from the waste stream and were transported and disposed of by Keefe Environmental Services (KES), of New Hampshire. In the sworn testimony of Frank Pierce, to the best of his knowledge and belief, the Coakley Landfill was never used for disposal of waste generated at the Dover Plant during the period from 1967 to the present.

The Affidavit of Roger LePage, Plant Superintendent from 1966 through 1974 and Manufacturing Manager of the Urethane Department from 1974 through 1984, who supervised the employees responsible for the disposal of waste generated at the Dover Plant, confirms that all waste generated by the Dover Plant was hauled to the Dover Municipal Landfill in Dover, New Hampshire, except that by the fall of 1977, liquid and hazardous wastes were segregated and were transported and disposed of first by Keefe Environmental Services, Inc., and then subsequently by licensed hazardous waste transporters at licensed hazardous waste disposal facilities. Mr. LePage's sworn testimony confirms that to the best of his knowledge and belief, the Coakley Landfill was never used for the disposal of waste generated at the Dover Plant.

The segregation of liquid and hazardous wastes from the waste stream can be verified by the enclosed documents which include monthly reports to the New Hampshire Bureau of Solid Waste Management generated by Paul Keefe and the staff of KES beginning in November 1977 and continuing through 1979, as well as KES ledger sheets covering a period from April 1978 through September 1979 and an invoice index which tracks waste disposal practices from November 23, 1977 through November 1980. In addition, KES generated handwritten inventories of the source of wastes received for

Cynthia E. Catri, Esquire
August 28, 1990
Page 4


the period covering 1978-1979. For the period following the closure of the KES facility, the enclosed hazardous waste manifests document shipments for the period from the fall of 1980 through December 1985 by licensed hazardous waste transporters, including R.S. Liquid Waste Disposal, C & M Labs, Jet Line Services, SCA Chemicals and Price Trucking, to licensed hazardous waste disposal facilities, including Union Chemical in Union, Maine, and SCA Chemical Services in Braintree, Massachusetts.

The sworn testimony of Mr. Pierce and Mr. LePage confirms that when the Dover Municipal Landfill closed on January 1, 1979, the non-hazardous solid waste generated by the Dover Plant was hauled initially to the Turnkey Landfill Waste Disposal Facility in Rochester, New Hampshire, and subsequently to the RESCO Incinerator in Saugus, Massachusetts and the Portsmouth Energy Recovery Incinerator in Portsmouth, New Hampshire, by Great Bay Disposal Company, later known as B.F.I.

In concluding, the enclosed Affidavits and documents confirm that the Coakley Landfill was never used for the disposal of waste generated by the Dover Plant, and furthermore, that beginning in the fall of 1977, liquid and hazardous wastes were segregated from the waste stream and were transported and disposed of by licensed hazardous waste transporters at licensed hazardous waste facilities.

We would appreciate the opportunity to discuss the evidence provided in further detail. Please give me a call if you have any questions or concerns with regard to the enclosed Affidavits and documents or if you wish to schedule a meeting to discuss the information provided. We look forward to hearing from you at your earliest convenience.

Very truly yours,


Sherilyn Burnett Young

SABY:AMK/nh
Enclosures

cc: Andrew Spacone, Esquire (w/encl.)
Randall Lund (w/encl.)
James Thomas (w/encl.)